

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 791

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

William "Ed" Boykin

AN ACT

RELATING TO CHILDREN; REQUIRING CHILDREN ENTERING FIRST GRADE
IN PUBLIC SCHOOLS TO HAVE A COMPREHENSIVE EYE EXAMINATION;
PROVIDING FOR REIMBURSEMENTS TO OPTOMETRISTS AND
OPHTHALMOLOGISTS WHO PROVIDE EXAMINATIONS TO ELIGIBLE CHILDREN;
CREATING A FUND; MAKING AN APPROPRIATION; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 24 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] CHILDREN'S VISION CARE--COMPREHENSIVE EYE
EXAMINATION REQUIRED FOR PUBLIC SCHOOL--FORMS--ELIGIBILITY FOR
ASSISTANCE.--

A. Beginning with the 2007-2008 school year, a
child shall have a comprehensive eye examination no more than

.161535.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 six months prior to being enrolled in first grade in the public
2 schools. If a child moves to New Mexico from another state
3 after the start of the school year between first grade and the
4 end of the third grade, the child shall have a comprehensive
5 eye examination within three months of entering public school.

6 B. The comprehensive eye examination shall be
7 conducted by an optometrist or ophthalmologist licensed in this
8 state or, in the case of a child who has just moved to New
9 Mexico from another state, from an optometrist or
10 ophthalmologist licensed in that state; provided that the child
11 was examined within six months of entering first grade in
12 public school in New Mexico and the comprehensive examination
13 was substantially equal to the examination required by this
14 section.

15 C. The comprehensive eye examination shall consist
16 of a complete and thorough examination of the eye and visual
17 system that includes an evaluation, determination and diagnosis
18 of:

- 19 (1) visual acuity at distance and near;
- 20 (2) alignment and ocular motility;
- 21 (3) binocular fusion abnormalities, including
22 tracking;
- 23 (4) actual refractive errors, including
24 verification by subject means;
- 25 (5) any color vision disorder;

.161535.1

underscored material = new
[bracketed material] = delete

- 1 (6) intraocular pressure; and
- 2 (7) ocular health, including internal and
- 3 external assessment.

4 D. The department of health shall develop a
5 comprehensive eye examination transmittal form to be signed by
6 the optometrist or ophthalmologist who conducted the eye
7 examination, and the parent shall present the form to the
8 public school when enrolling the child. The form shall contain
9 a summary of the comprehensive eye examination performed by the
10 optometrist or ophthalmologist. Any treatment recommendations,
11 such as spectacles for schoolwork, shall be included in the
12 summary.

13 E. The department of health shall establish a
14 program to assist eligible children to pay for the
15 comprehensive eye examination and necessary spectacles. An
16 eligible child is one whose family income does not exceed two
17 hundred fifty percent of the federal poverty guidelines and who
18 does not receive comparable benefits from private health or
19 vision insurance, medicaid, commission for the blind or other
20 public or private sources."

21 Section 2. A new section of Chapter 24 NMSA 1978 is
22 enacted to read:

23 "[NEW MATERIAL] CHILDREN'S VISION CARE FUND CREATED.--The
24 "children's vision care fund" is created in the state treasury.
25 The purpose of the fund is to ensure early detection and

.161535.1

underscoring material = new
[bracketed material] = delete

1 correction of vision problems in children enrolling or enrolled
2 in grades one through three who are eligible for services. The
3 fund consists of appropriations, gift, grants and donations.
4 Money in the fund shall not revert or be transferred to another
5 fund at the end of a fiscal year. The fund is administered by
6 the department of health and money in the fund is appropriated
7 to the department to reimburse New Mexico optometrists and
8 ophthalmologists who provide comprehensive eye examinations to
9 eligible children. Disbursements from the fund shall be by
10 warrant of the secretary of finance and administration on
11 vouchers signed by the secretary of health or the secretary's
12 authorized representative."

13 Section 3. APPROPRIATION.--One hundred thousand dollars
14 (\$100,000) is appropriated from the general fund to the
15 children's vision care fund for expenditure in fiscal year 2007
16 and subsequent fiscal years to carry out the purpose of the
17 fund. Any unexpended or unencumbered balance remaining at the
18 end of a fiscal year shall not revert to the general fund.

19 Section 4. EMERGENCY.--It is necessary for the public
20 peace, health and safety that this act take effect immediately.